

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

STEVEN ALTONIO PARKER,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

3:98-cv-00530-JCM-VPC

**ORDER**

On August 20, 2015, the petitioner in this capital habeas corpus action, Steven Altonio Parker, filed a “Voluntary Dismissal of Action, or, in the Alternative, Motion for Voluntary Dismissal” (“Voluntary Dismissal”) (ECF No. 98). In his voluntary dismissal, Parker requests that this action be dismissed. Parker states that his request for voluntary dismissal of this action is based on a written agreement settling his state-court litigation, and he attaches a copy of that written agreement. *See* Exhibit 1 to voluntary dismissal.

Respondents filed a response to Parker’s voluntary dismissal, stating that they “do not object provided the dismissal is with prejudice.” Response to Motion to Show Cause and, Alternatively, for Voluntary Dismissal (“Response”), p. 1, citing Fed. R. Civ. P. 41(a)(2). Respondents do not cite to any supporting authority for their position that the dismissal should be with prejudice. Parker’s habeas claims have not been adjudicated. His dismissal of this action is voluntary. Under Federal

1 Rule of Civil Procedure 41(a)(2), it is presumed that a voluntary dismissal is without prejudice.


2 This action will be dismissed without prejudice.

3 **IT IS THEREFORE ORDERED** that petitioner's "Voluntary Dismissal of Action, or, in  
4 the Alternative, Motion for Voluntary Dismissal" (ECF No. 98) is **GRANTED**.

5 **IT IS FURTHER ORDERED** that this action is dismissed without prejudice.

6 **IT IS FURTHER ORDERED** that the clerk of the court shall enter judgment accordingly.  
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8 Dated September 23, 2015.

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11 UNITED STATES DISTRICT JUDGE  
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